

United States v. George Howard
Sentencing Script

Courtroom Deputy: All rise.
(Judge enters courtroom and takes seat on the bench)

Judge: *(To spectators)* Please be seated. *(To courtroom deputy)* Please call the next case.

Courtroom Deputy: U.S. versus George Howard. Attorneys, please state your appearances for the record.

Prosecution: _____, for the Government.

Public Defense: _____, for Mr. Howard.

Judge: Are we ready to proceed with sentencing?

Prosecution: Yes, Your Honor.

Defense: Ready, Your Honor.

Judge: Mr. Howard, have you received a copy of the presentence report prepared by the probation office and had an opportunity to review it with you attorney?

G. Howard: Yes, Your Honor.

Judge: Does the government have any unresolved objections to the presentence report?

Prosecution: No, Your Honor.

Judge: Does the defendant have any objections to the presentence report?

Defense: Yes, Your Honor. There are some statements in the report that we'd like corrected for the record. In particular, Mr. Howard, objects to the inclusion of his prior arrest for driving with a suspended license. His only sanction for that incident was a \$250 fine, which he paid immediately. The presentence report fails to explain the context in which that incident occurred, namely that Mr. Howard was in the middle of final exams when his license expired, and he could not arrange to get to the motor vehicle department before he was stopped by the police at a random checkpoint.

Judge: Does the government have a position on the defense's motion?

Prosecution: I don't think that any revision to the presentence report is required. The information is not inaccurate. The court can still consider this prior arrest when setting its sentence.

Judge: Any other objections from the defense?

Defense: Our last objection to the presentence report concerns the determination of the probation office that the Mr. Howard has the ability to pay a fine. This determination is based on a cash flow and net worth analysis conducted by the probation officer; however, it does not accurately reflect that Mr. Howard is a high school student, whose financial picture is about to change dramatically as he prepares to start college. To force Mr. Howard to pay a fine could jeopardize his hopes to attend college.

Judge: Does the government have anything to add?

Prosecution: Only that the government believes that a fine should be imposed in this case, the defendant clearly has the means to pay one, and that the defendant must assume responsibility for all of the collateral consequences of his involvement in this offense.

Judge: Are there any other objections to the report?

Prosecution: None, Your Honor.

Defense: None.

Judge: Mr. Howard, do you have anything that you would like to say before I impose my sentence?

G. Howard: Thank you, Your Honor. First, I'd like to apologize to my family for embarrassing them -- and, I guess, my girlfriend, I mean, ex-girlfriend. I hope that I can make it up to them. I'd also like to apologize to the car dealer whose car was stolen and sold to me. I didn't intend to rip you off, sir. Finally, I'd just like to say to you, judge, that I've learned a lot from what's happened and you can be sure that I'll use better judgment in the future.

Judge: I have reviewed the presentence report, and considered the arguments of both parties, along with Mr. Howard's statement. Also, I presided over this trial and had an opportunity to hear the testimony first hand.

Starting with the defense motions, I find that the facts contained in the presentence report are accurate, and I see no reason for the information about the defendant's prior arrest to be excluded. Such information assists this court in determining the type of sentence to impose, and may be helpful to the Bureau of Prisons or the probation officer in administering the sentence. With regard to the probation office's determination that Mr. Howard has the ability to pay a fine, the court recognizes that Mr. Howard hopes to attend college. This court strongly encourages him to pursue this goal. However, I find no compelling reason to strike the probation office's determination.

After considering all of the facts of the offense, the defendant's history, the need for punishment, deterrence, and rehabilitation, I impose a sentence of five-months in custody to be followed by three years supervised release. As a condition of supervised release, the defendant shall serve five months of home detention which shall be electronically monitored. Additionally, the presentence investigation reveals that Mr. Howard has been experimenting with drugs and could be developing a drug problem. As a result, I am imposing a special condition of drug testing and treatment during the course of supervision. Finally, I impose a \$1,000 fine and a mandatory \$100 special assessment.

Does the defendant wish to self surrender?

Defense: Yes Your Honor, he has complied with all of the conditions of his pretrial release, and has demonstrated no risk factors which would require immediate surrender.

Judge: Any objections?

Prosecution: None, Your Honor.

Judge: The defendant will be permitted to voluntarily surrender to the Bureau of Prisons. Mr. Howard, you will be contacted with a date by which you are to report to prison to commence your sentence. Until then, I will continue your bond.

Lastly, the parties have the right to appeal the sentence imposed. If you wish to exercise that right you have ten days in which to do so by filing a Notice to Appeal. If you can not afford representation for your appeal, the court can provide you with appointed counsel. Do you understand your rights, Mr. Howard?

G. Howard: Yes.

Judge: Unless there's anything else, court is adjourned.

Prosecution: Thank you Your Honor.

Defense: Thank you.

Courtroom Deputy: All rise.
(Judge steps down from the bench).